

### **III. REMARKS**

Claims 1-21 are pending in this application. By this Amendment, claims 1, 2, 5, 8, 9, 12, 15, 16 and 19-21 have been amended and claims 3, 4, 10, 11, 17 and 18 are cancelled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### **A. EXAMINER INTERVIEW**

An examiner interview was held on Thursday March 27, 2008. Claims 1, 8 and 15 were discussed. No agreement was reached concerning the application or the claims.

#### **B. RESPONSE TO OBJECTIONS**

The Office Action objects to Claims 15-21 because of informalities. Without conceding the correctness of the Office's interpretation, and to facilitate early allowance of the pending claims, claims 15, 16, and 19-21 have been amended (17 and 18 are cancelled). Accordingly, Applicant asserts that the bases for the Office's objection have been obviated and respectfully request withdrawal of the objection.

### C. REJECTIONS BASED ON 35 USC 102(e)

In the Office Action, claims 1, 2, 6-9 and 13-16 are rejected under 35 USC 102(e) as allegedly anticipated by Hertel-Szabadi (US 2003/0236692) (hereinafter referred to as “Hertel”). Office Action p.3.

Without conceding the correctness of the Office’s interpretation, and to facilitate early allowance of the pending claims, claims 1, 8 and 15 have been amended.

Claim 1 (and similarly claims 8 and 15) now recites, *inter alia*, “a selection system which, for each role, selects at least one person from the identified subset of people to fulfill the role, wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role” and “a splitting algorithm that determines how time is to be allocated among multiple people performing the same role.”

The Office admits that Hertel “does not teach a system, method, and program product for splitting roles when multiple people are selected to fulfill a single role.” Office Action p.6.

Therefore, Hertel fails to teach each and every feature of the claimed invention as amended. Thus, the claimed invention as amended is not anticipated by Hertel. Accordingly, Applicant asserts that the bases for the Office’s rejection have been obviated and respectfully request withdrawal of the rejection.

#### D. REJECTIONS BASED ON 35 USC 103(a)

In the Office Action, claims 3-5, 10-12, and 17-21 are rejected under 35 USC 103(a) as allegedly being unpatentable over Hertel-Szabadi (US 2003/0236692) as applied to claims 1, 2, 6-9 and 13-16, further in view of Bansal et al. (US 2007/0219842) (hereinafter referred to as “Bansal”).

Claims 1, 8 and 15 have been amended by including dependent claims 3 and 4 with independent claim 1, by including dependent claims 10 and 11 with independent claim 8, and by including dependent claims 17 and 18 with independent claim 15. As the Office alleged the included dependent claims to be obvious, Applicant addresses that rejection as it applies to amended claim 1 (and similarly to claims 8 and 15). Applicant submits that claim 1 (and similarly claims 8 and 15) as amended are not obvious in view of the cited art.

Claim 1 (and similarly claims 8 and 15) now recites, *inter alia*, “a splitting algorithm that determines how time is to be allocated among multiple people performing the same role.” Hertel and Bansal do not teach the feature of a splitting algorithm to allocate time among multiple people performing the same role.

With respect to the Office’s rejection to claims 3 and 4 (now cancelled and included with amended claim 1) the passages of Bansal cited by the Office disclose that, “the data displayed in these cells may span multiple cells in the same row” and “data may be allowed to span multiple cells in the same column (e.g., if two or more field service personnel are needed or recommended for a particular activity).” Office Action p.6 and 7 citing Bansal ¶¶58 I.5-11 and Fig. 2.

The cited passages in Bansal do not teach “splitting roles when multiple people are selected to fulfill a single role.” Thus, Bansal does not cure the deficiencies of Hertel with respect to this feature of Applicant’s invention. (This argument similarly applies to the Office’s rejection of claims 10 and 11 now cancelled and included with claim 8 and claims 17 and 18 now cancelled and included with claim 15.)

The aforementioned cited passages refer to a Planned Activities frame. Fig. 2. Bansal discloses an embodiment of the Planned Activities frame. ¶56 I.1 and Fig. 2. The disclosed embodiment “displays a current schedule for the available (or selected) field service personnel”. (Field service personnel would constitute one “role”.) ¶56 I.2-3 The disclosed embodiment of Bansal “displays data on x and y-axis to show planned activities versus time.” ¶56 I.5-6. The disclosed embodiment of Bansal does not disclose a selection that splits the role based on time. With multiple people filling the role as shown in the Bansal embodiment, Bansal does not teach a selection for splitting the roles based upon time.

As discussed above, Hertel fails to teach each and every feature of the claimed invention as amended. Bansal does not cure this deficiency for the reasons cited above. Thus, the claimed invention as amended is patentable over Hertel in view of Bansal. Accordingly, Applicant asserts that the bases for the Office’s rejection have been obviated and respectfully request withdrawal of the rejection.

With respect to the dependent claims, Applicant herein incorporates the

arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

#### IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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Date: April 16, 2008

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